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 United States of America

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Criminal Case No. 08CR0804-W
)	
Plaintiff,)	DATE: May 12, 2008
)	TIME: 2:00 p.m.
)	Before Honorable Thomas J. Whelan
v.)	
)	
MARIA LAURA LAMUG (1),)	UNITED STATES' STATEMENT OF
JESUS JUAN MANUEL ORTIZ (2),)	FACTS AND MEMORANDUM OF
)	POINTS AND AUTHORITIES
Defendant(s).)	
_____)	

I

STATEMENT OF THE CASE

The Defendants, Maria Laura Lamug and Jesus Juan Manuel Ortiz (hereinafter "Defendants"), were charged by a grand jury on March 19, 2008 with violating 21 U.S.C. §§ 952 and 960, importation of methamphetamine, 21 U.S.C. § 841(a)(1), possession of methamphetamine with the intent to distribute, and aiding and abetting. Defendants were arraigned on the Indictment on March 20, 2008, and entered a plea of not guilty.

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II**STATEMENT OF FACTS**

Defendants were apprehended on the evening of March 5, 2008 by United States Customs and Border Protection (“CBP”) Officers at the Calexico, California West Port of Entry. There, Defendants entered the vehicle inspection lanes as the sole occupants of a 2003 Toyota Camry (“the vehicle”). Defendant Lamug was the driver and registered owner of the vehicle; Ortiz was the passenger.

At the time of Defendants’ entry in the vehicle, a CBP Canine Enforcement Officer was conducting a pre-primary sweep of vehicles using his Narcotic Detector Dog (“NDD”). The NDD alerted to the presence of the odor of a controlled substance near vehicle’s dash. At primary inspection, both Defendants gave a negative Customs declarations to a CBP Officer. Defendants and the vehicle were then referred to the secondary lot for further inspection.

At secondary inspection, Defendants provided additional negative Customs declarations. During inspection, a CBP Officer observed what he identified as a compartment built into the dash of the vehicle. Further inspection of the vehicle revealed the presence of a non-factory compartment built into the vehicle’s dash. A total of 18 packages were found concealed within the compartment. The combined weight of the packages was approximately 10.60 kilograms (23.32 pounds). A sample taken from one of the packages field tested positive for methamphetamine. Defendants were then arrested. In a post-Miranda statement, Defendant Lamug admitted knowledge of the narcotics in the vehicle, and admitted that she would be paid \$1,500 USD for driving the vehicle into the United States. Defendant Lamug also admitted that Defendant Ortiz was aware of the presence of narcotics in the vehicle.

III**UNITED STATES’ MOTION FOR RECIPROCAL DISCOVERY**

To date, the United States has provided Defendants with 49 pages of discovery, and two DVDs. The United States moves the Court to order Defendants to provide all reciprocal discovery

1 to which it is entitled under Rules 16(b) and 26.2. Rule 16(b)(2) requires Defendants to disclose
2 to the United States all exhibits and documents which Defendants “intend[] to introduce as
3 evidence in chief at the trial” and a written summary of the names, anticipated testimony, and bases
4 for opinions of experts Defendants intend to call at trial under Rules 702, 703, and 705 of the
5 Federal Rules of Evidence.

6 **IV**

7 **CONCLUSION**

8 For the foregoing reasons, the government respectfully requests that its motion be granted.

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10 DATED: April 28, 2008.

11 Respectfully submitted,

12 KAREN P. HEWITT
13 United States Attorney

14 s/ William A. Hall, Jr.
15 WILLIAM A. HALL, JR.
16 Assistant United States Attorney
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